

1 Bill R. Hughes, SBN 019139

2 Deputy County Attorney

3 ycao@co.yavapai.az.us

4 Attorneys for STATE OF ARIZONA

5 IN THE SUPERIOR COURT

6 STATE OF ARIZONA, COUNTY OF YAVAPAI

7 STATE OF ARIZONA,

8 Plaintiff,

9 vs.

10 JAMES ARTHUR RAY,

11 Defendant.

V1300CR201080049

12 MOTION TO EXTEND TIME FOR
13 DISCLOSURE PURSUANT TO RULE
14 15.6(d), ARIZ. R. CRIM. P.

15 (The Honorable Warren Darrow)

16 Comes now the State of Arizona, pursuant to Rule 15.6(c) and Rule 15.6(d) of the
17 Arizona Rules of Criminal Procedure, and respectfully requests that this Court extend the time
18 for disclosure and allow it to use the following material or information during trial.

- 19 1. Information relating to the brands and types of poisons or pesticides used
20 at the Angel Valley Spiritual Retreat Center prior to and during Spiritual
21 Warrior 2009 and composition of the logs used in the construction of the
22 cabins and burned during Spiritual Warrior 2009.

23 This motion is based on the following memorandum of points and authorities and the
24 attached affidavit.

25 MEMORANDUM OF POINTS AND AUTHORITIES

26 Rule 15.6(c), Ariz. R. Crim. P., provides that, unless otherwise permitted, all disclosure
must be completed at least 7 days prior to trial, and Rule 15.6(d) provides that, if the material
and information is not disclosed at least 7 days prior to trial, the party must obtain leave of the
court by motion, supported by affidavit, to extend the time for disclosure and use the material or
information, and the trial may extend the time for disclosure and allow a party to use material or

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JENNIFER C. CLERK

C. Fleck

BY: _____

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

Phone: (928) 771-3344 Facsimile: (928) 771-3110

1 information if it finds that the material or information could not have been discovered or
2 disclosed earlier even with due diligence, and the material or information was disclosed
3 immediately upon its discovery.

4 Based on the Defendant's opening statement and questioning of witnesses, the State is
5 seeking to discover information relating to any pesticides or poisons used at Angel Valley
6 Spiritual Retreat Center prior to or during the 2009 Spiritual Warrior Event. The State is also
7 seeking to discover information relating to the composition of the logs burned to heat the stones
8 for Defendant's sweat lodge ceremony on October 8, 2009.

9 On March 22, 2011, in response to an inquiry from the State, the State received two
10 emails and eleven photographs from Amayra Hamilton. The emails and the photographs were
11 immediately disclosed to Defendant in the State's 46th Supplemental Disclosure. The State
12 anticipates receiving additional information in the near future. Any additional information will
13 be immediately disclosed.
14

15 Accordingly, the State requests that this Court enter its order extending the time for
16 disclosure and allowing the State to use the material or information.
17

18 RESPECTFULLY submitted this 24th day of March, 2011.
19

20 SHEILA SULLIVAN POLK
21 YAVAPAI COUNTY ATTORNEY

22 By 
23 BILL R. HUGHES
24 DEPUTY COUNTY ATTORNEY

25 COPIES of the foregoing delivered
26 this 24th day of March, 2011, to

Hon. Warren Darrow
Judge of the Superior Court

Office of the Yavapai County Attorney

255 E. Gurley Street

Prescott, AZ 86301

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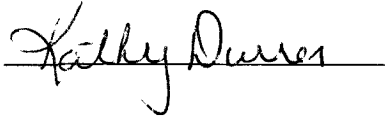
Munger, Tolles & Olson LLP

355 S. Grand Avenue, 35th Floor

Los Angeles, CA 90071-1560

Attorneys for Defendant

By:



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Attorneys for STATE OF ARIZONA

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

vs.

JAMES ARTHUR RAY,

Defendant.

Cause No. V1300CR201080049

Division PTB

AFFIDAVIT IN SUPPORT OF
MOTION TO EXTEND
DISCLOSURE DEADLINE

STATE OF ARIZONA)
) ss
County of Yavapai)

BILL R. HUGHES, being first duly sworn upon his oath, deposes and says:

1. He is the Deputy County Attorney assigned to prosecute the above-noted matter.
2. That Defendant, JAMES ARTHUR RAY, was indicted on February 4, 2010 with three (3) counts of Manslaughter, each a class 2 felony.
3. A felony criminal trial commenced in this Court on the 16th day of February, 2011 and is currently proceeding.
4. That on March 22, 2011, in response to an inquiry from the State, the State received two emails and eleven photographs from Amayra Hamilton. The emails and the photographs were immediately disclosed to Defendant in the State's 46th Supplemental Disclosure.

1 5. That the State anticipates receiving additional information in the near future. Any
2 additional information will be immediately disclosed.

3 6. That this information was not known to the State until it received the information from
4 Ms. Hamilton.

5 The above information is based upon my information and belief.

6 RESPECTFULLY SUBMITTED this 24th day of March, 2011.

8 SHEILA SULLIVAN POLK
9 YAVAPAI COUNTY ATTORNEY

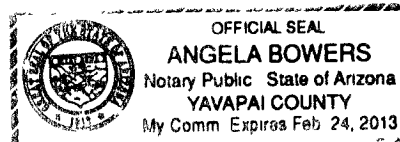
10 By: [Signature]
11 Bill R. Hughes
12 Deputy County Attorney

13 SUBSCRIBED and SWORN to before me this 24th day of March, 2011, by Bill R.
14 Hughes.

15 [Signature]
16 Notary Public

17 My Commission Expires:

18 Feb 24, 2013



1 YAVAPAI COUNTY ATTORNEY'S OFFICE
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5
6 **IN THE SUPERIOR COURT**

7 **STATE OF ARIZONA, COUNTY OF YAVAPAI**

8 STATE OF ARIZONA,

V1300CR201080049

9 Plaintiff,

ORDER

10 vs.

Div. PTB – Honorable Warren R. Darrow

11 JAMES ARTHUR RAY,

12 Defendant.

13
14 Based on the State's Motion to Extend Time for Disclosure Pursuant to Rule 15.6(d),
15 Ariz. R. Crim. P., and good cause appearing therefor

16 IT IS ORDERED that the State has through and including _____, 2011 to
17 file its Response.

18
19 SIGNED this _____, 2011.

20
21
22 _____
23 Warren R. Darrow
24 Judge of the Superior Court
25
26